



09 DEC 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#8

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Antonelli Terry Stout & Kraus  
1300 North Seventeenth Street,  
Suite 1800  
Arlington, VA 22209

In re Application of :  
HIRATANI et al. :  
Application No.: 09/242,046 :  
PCT No.: PCT/JP96/02226 : DECISION  
Int. Filing Date: 07 August 1996 :  
Priority Date: None :  
Attorney's Docket No.: 501.36894X00 :  
For: SEMICONDUCTOR DEVICE AND ITS :  
MANUFACTURING METHOD :

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.182 Regarding Change in Name" filed in the Patent and Trademark Office (PTO) on 07 February 2000. The petition fee has been submitted.

### BACKGROUND

On 08 February 1999, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; an English-language translation of the international application; and a declaration and power of attorney of the inventors.

On 20 April 1999, the United States/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indication an oath or declaration and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) must be furnished. The notification set a one month time limit in which to respond.

On 29 July 1999, applicants filed papers stating that "the second listed inventor, Keiko Abdelghafar, signed the declaration in the above identified United States application with her correct name as of the time of signing on January 26, 1999. It was correctly stated that Ms. Keiko Abdelghafar's maiden name, which she used at the time of filing the international application, Keiko Kushida. However, in further studying this matter, it has been determined that Ms. Keiko Abdelghafar actually was married prior to the time of filing the international application, but chose to continue using her maiden (name) for matters concerning her employer, Hitachi, Ltd. (including patent applications) until 1998." The statements were construed to be a petition under 37 CFR 1.182. Applicants' request was dismissed in a decision dated 29 December 1999.

On 07 February 2000, applicant filed the present petition.

### DISCUSSION

The Manual of Patent Examining Procedure at §605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include the appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or certified copy of the court order. As noted above, the \$130 petition fee has been submitted.

The papers have been reviewed and the papers are accepted.

The declaration submitted on 08 February 1999 is accepted.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to United States/Elected Office for further processing with the name of the inventor as Keiko Abdelghafar and for review of the national stage papers submitted 08 February 1999 and, if appropriate, preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of **18 February 1999** under 35 U.S.C. 371(c).



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: (703) 308-6314  
Fax: (703) 308-6459